S.B. CIVIL SECOND APPEAL No.295/2004

Nem Chand Vs. Chagan Lal

DATE OF ORDER :: 01-11-2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. G.K. Vyas, for the appellant.

Heard learned counsel for the appellant.

The appellant is aggrieved against the judgments and decrees of the two courts below, one passed by the trial Court dated 2.12.2000 by which the appellant's suit was dismissed and second passed by the first appellate Court by which the appellant's first appeal was dismissed maintaining the dismissal of the suit.

Learned counsel for the appellant vehemently submitted that the two courts below have committed serious illegality in deciding issue No.6 in cursory manner and in fact have not recorded any finding on issue No.6.

I considered the submissions of learned counsel for the appellant and perused the facts of the case. It is alleged that he entered into agreement with the defendant on 21.7.1980 for purchase of agriculture land. The plaintiff filed the suit for specific performance of the contract after more than 15 years on 5.2.1996. The two courts below concurrently found that

plaintiff failed to prove his willingness. The two courts below have considered oral as well as documentary evidence, decided issues No.1, 2 and 6 against the appellant-plaintiff. All the issues have been decided by two courts below against the plaintiff-appellant, therefore, I do not find any merit in the appeal and no substantial question of law is involved in this appeal.

In view of the above, the appeal of the appellant is dismissed.

[PRAKASH TATIA],J.

Praveen